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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,347	01/08/2001	Heinz Lienhard	01-101	6670
7590 06/16/2004			EXAMINER	
Robert H. Bachman BACHMAN & LaPOINTE, P.C. Suite 1201 900 Chapel Street New Haven, CT 06510-2802			TANG, KUO LIANG J	
			ART UNIT	PAPER NUMBER
			2122	
DATE MAILED: 06/16/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/756,347

Applicant(s)

LIENHARD ET AL.

Examiner

Kuo-Liang J Tang

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/15/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office Action is in response to the amendment filed on 4/15/2004.

The priority date for this application is 07/12/2000.

Claim 2 has been canceled. Claims 1,13 have been amended.

Claims 1, 3-15 are pending and have been examined.

Claims 1, 3-4 and 7-15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Boden et al. US Patent No. 5,930,512 (hereinafter Boden) in view of Bimson et al. US Pub No. US2002/0046244A1 (hereinafter Bimson) further in view of James Martin, "Principles of object-oriented analysis & design", Prentice-Hall Inc., 1992, page 281-299, ISBN:0-13-720871-5 (hereinafter Martin).

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boden in view of IBM Corp., IBM FlowMark--Managing Your Workflow, Ver. 2.1, IBM Publication SH19-8243-00 (1995) (hereinafter IBM).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3-4 and 7-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boden et al. US Patent No. 5,930,512 (hereinafter Boden) in view of Bimson et al. US Pub No.

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US2002/0046244A1 (hereinafter Bimson) further in view of James Martin, "Principles of object-oriented analysis & design", Prentice-Hall Inc., 1992, page 281-299, ISBN:0-13-720871-5 (hereinafter Martin).

As per Claim 1, Boden discloses Apparatus and computer implemented method for process modeling using both a web server and a workflow server in process definition. A workflow process may be modeled using one modeler at buildtime, and that process be executed using a different modeler at runtime. (See Abstract and associated text). In that Boden discloses the method that covering the steps of:

"in a design or prototyping mode, said process model is graphically drawn up according to the desired application by using an extendable set of graphical building blocks (E.g. see col. 12:45-49, which states "The buildtime module provides for defining, graphically depicting ...") and a preferably automated dialog for defining information needed by the process," (E.g., see col. 5:38-48 and col. 4:19-23);

"entering the data corresponding to said information needed, animating (E.g. see col. 12:45-49, which states "...animating ...") and/or testing the thus designed prototype, uploading the final prototype of said application defined by said process model via said interface into a server or a computer network," (E.g., Figure 4-5 & see col. 10:30-34); and

"in an implementing mode, executing said run-time application through said server or computer network." (E.g., see Fig. 6 and Abstract where state "...The result is then fed through an inverse transform $f(p)$ to a workflow server in the language of that server, for invocation and execution during runtime of the programs defined during buildtime. ...") and (E.g., see col.

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11:56-67 where state "...internet access is provided for workflow via any client world-wide. ...").

Boden doesn't explicitly disclose supporting content management. However, Bimson teaches "the application is defined by more than one process or process model, in particular by processes or process models specifically supporting content management of said application." (E.g., see Page 3, Section 0022). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bimson into the system of Boden, to support content management. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the content management application is directed to a system for permitting a company to implement changes to an internet website by defining and enforcing a common style of page layout produced on an intranet server.

The combination of Boden and Bimson doesn't explicitly disclose obtaining directly and without transformation a run-time implementation of said application. However, Martin teaches "obtaining directly and without transformation a run-time implementation of said application" (E.g., see Page 287, lines 22-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Martin into the system of Boden and Bimson, to build a system with an interpreter to obtain directly and without transformation a run-time implementation of said application. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the developer can immediately run what he creates and repeatedly modified and evolve it.

As per Claim 3, the rejection of claim 1 is incorporated and further Boden teaches

“in the design mode, the process or process model is graphically displayed and may be modified by graphical means and/or elements.” (E.g., see col. 12:45-49 and col. 23:58-57 to col. 24:1-5).

As per Claim 4, the rejection of claim 1 is incorporated and further Boden teaches

“in the design mode, and before starting the implementing mode, the prototype may be several times modified and/or re-designed until a desired function or functional objective is reached.” (E.g., see Figure 4-5 & see col. 10:30-34).

As per Claim 7, the rejection of claim 1 is incorporated and further Boden teaches

“both in design and the the run-time mode, the interaction with a designer/user of an application is carried out via a common Internet browser.” (E.g., see Figure 6 item 130 “WEB BROWSER”).

As per Claim 8, the rejection of claim 7 is incorporated and further Boden teaches

“the dialog pages for the interaction between application and designer are common HTML, XML, or similar pages, preferably containing marked areas to protect against accidental or voluntary manipulation or modification of information critical for proper functioning of the application.” (E.g., see col. 2:51-65).

As per Claim 9, the rejection of claim 1 is incorporated and further Boden teaches

“in the run-time mode, a process may be started automatically from another application rather than directly from a user.” (E.g., see col. 1:39-44”).

As per Claim 10, the rejection of claim 1 is incorporated and further Boden teaches “a process or sub-process is executed as run-time application in a distributed way on the client machines instead of on the server.” (E.g., see col. 1:53-59”).

As per Claim 11, the rejection of claim 1 is incorporated and further Boden teaches “an installed or downloaded run-time application is run as a so-called "peer-to-peer" instead of a client-server application.” (E.g., see col. 1:53-59 where states “...It is possible, however, to have a FlowMark server and clients on one (stand-alone) workstation.”).

As per Claim 12, the rejection of claim 1 is incorporated and further Boden doesn't explicitly disclose content management. However, Bimson teaches “a process model is not defining the application itself but rather its management and administration, particularly for so-called content management.” (E.g., see Page 3, Section 0022). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Bimson into the system of Boden, to use content management. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the content management application is directed to a system for permitting a company to implement changes to an internet website by defining and enforcing a common style of page layout produced on an intranet server and not defined in the process model.

As per Claim 13, Boden discloses Apparatus and computer implemented method for process modeling using both a web server and a workflow server in process definition. (See Abstract and associated text). In that Boden discloses the method that covering the steps of:

“means for displaying and animating said graphical process model, ” (E.g., see Figure 10-20 and see col. 12:45-49, which states “... graphically ... animating ...”);

“means for executing automated dialogs between a designer and said graphical process model (E.g. see col. 12:45-49, which states “The buildtime module provides for defining, graphically depicting ...”), including means for entering data into said graphical process model and means for controlling changes of said graphical process model to develop and/or amend a prototype of the desired process,” (E.g., see Figure 4-5 & see col. 10:30-34);

“means for executing said designed prototype without programming, including means for animating (E.g., see Figure 10-20 and see col. 12:45-49, which states “...animating ...”) and/or testing said prototype,” (E.g., see Figure 4-5 & see col. 10:30-34);

“means for implementing said process model by uploading the final prototype of said process via said interface into a server or computer network.” (E.g. see Fig. 6 and Abstract where state “...The result is then fed through an inverse transform $f(p)$ to a workflow server in the language of that server, for invocation and execution during runtime of the programs defined during buildtime. ...”) and (E.g., see col. 11:56-67 where state “...internet access is provided for workflow via any client world-wide. ...”).

The combination of Boden and Bimson doesn't explicitly disclose directly executing and obtaining directly and without transformation a run-time implementation of said application.

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However, Martin teaches "directly executing and obtaining directly and without transformation a run-time implementation of said application" (E.g., see Page 287, lines 22-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Martin into the system of Boden and Bimson, to build a system with an interpreter to directly execute and obtain directly and without transformation a run-time implementation of said application. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the developer can immediately run what he creates and repeatedly modified and evolve it.

As per Claim 14, the rejection of claim 13 is incorporated and further Boden teaches "the server or computer network is connected to the Internet or an Intranet." (E.g., see Fig. 6 and see col. 11:56-67 where state "...internet access is provided for workflow via any client world-wide. ...").

As per Claim 15, the rejection of claim 13 is incorporated and further Boden teaches "displaying the process model in the design mode is a graphical means and includes means for graphically modifying elements of said process model." (E.g., see col. 12:45-49 and col. 23:58-57 to col. 24:1-5).

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3. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boden in view of IBM Corp., IBM FlowMark--Managing Your Workflow, Ver. 2.1, IBM Publication SH19-8243-00 (1995) (hereinafter IBM).

As per Claim 5, the rejection of claim 1 is incorporated and further Boden doesn't explicitly disclose a step-by-step dialog. However, IBM teaches "in the design mode, the preferably automated dialog is designed as a step-by-step dialog and the displayed process proceeds accordingly whenever data is entered." (E.g., see page 2.5.5.1-1, Section 2.5.5.1 Supplying data for a process instance). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of IBM into the system of Boden, to use IBM FlowMark with a step-by-step dialog. The modification would have been obvious because one of ordinary skill in the art would have been motivated so that the user can create workflow models by entering values for data structure used by process in the FlowMark Runtime module.

As per Claim 6, the rejection of claim 5 is incorporated and further Boden teaches "during the preferably automated dialog, graphical masks are provided, in particular close to displayed corresponding process elements into which masks the required data are entered." (E.g., see col. 12:45-49 and col. 23:58-57 to col. 24:1-5).

Conclusion

4. Applicant's amendment with respect to claims rejection have been considered but are moot in view of the new grounds of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Correspondence Information

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang J Tang whose telephone number is 703-305-4866. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on 703-305-4552.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

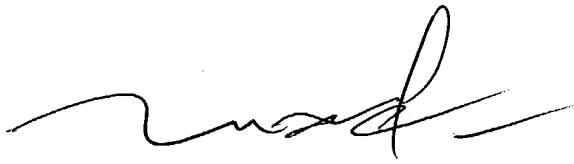
Washington, D.C. 20231

or faxed to:

(703) 872-9306.

Kuo-Liang J. Tang

Software Engineer Patent Examiner



TUAN DAM
SUPERVISORY PATENT EXAMINER